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April 28, 2008

Marlene H. Dortch
Secretary
Federal Communications Commission
236 Massachusetts Ave, N.E.
Suite 110
Washington, D.C. 20002

FILED/ACCEPTED
APR 28 2008
Federal Communications Commission
Office of the Secretary

Re: Broadcast Localism
MB Docket No. 04-233

Forever Broadcasting, LLC

Dear Ms. Dortch:

On behalf of Forever Broadcasting, LLC, there is transmitted herewith an original and four (4) copies of its Comments in the above-referenced proceeding.

Should there be any questions concerning this matter, kindly communicate directly with the undersigned counsel.

Respectfully submitted,

KAYE SCHOLER LLP

By: 

Allan G. Moskowitz
Counsel to
Forever Broadcasting, LLC

Enclosure

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

FILED/ACCEPTED

APR 28 2008

*Federal Communications Commission
Office of the Secretary*

In the Matter of

BROADCAST LOCALISM

)
)
) MB Docket No. 04-233
)

TO: The Commission

COMMENTS

Forever Broadcasting, LLC, Forever Communications, LLC, Keymarket Licenses, LLC, Megahertz Licenses, LLC, Forever of PA, LLC and Forever South Licenses, LLC (collectively, "Forever")¹ hereby submit their "Comments" in the above-referenced proceeding pursuant to the Report on Broadcast Localism and Notice of Proposed Rulemaking ("NPRM"), FCC 07-218, released January 24, 2008. In support thereof, the following is respectfully shown:

Introduction

Forever is the licensee of AM and FM radio stations in, for the most part, relatively smaller markets including Johnstown, Altoona, and State College, Pennsylvania; Steubenville and East Liverpool, Ohio; Wheeling, West Virginia; Bowling Green, Kentucky; and Frankfort and Jackson, Tennessee, for example. In each of these markets, the licensee operates anywhere from one to seven AM and/or FM stations, some of which are licensed to the main and larger community of the market, and some of which are licensed to smaller communities surrounding the main city. In some markets, for example, State College, Pennsylvania, one building may serve as the main studio not only for stations licensed to State College but also for the stations

¹ The respective licensees are commonly owned and collectively are the licensees of over sixty (60) AM and FM stations. The stations licensed to each licensee are attached as Exhibit 1.

licensed to the nearby communities of Pleasant Gap, population 1,611, Boalsburg, populations 3,578, and Centre Hall, population 1,079.

In other areas, there is "no market," but rather a number of radio stations licensed to a group of nearby small communities such as WUZZ(FM) , Saegertown, Pennsylvania, population 1,071, WTIV(AM), Titusville, Pennsylvania, population 6,146 and WUUZ(FM), Cooperstown, Pennsylvania, population 460. Not surprisingly, these are the only radio stations, commercial or non-commercial, licensed to these communities. Also not surprisingly, a community of 460, 1,000 or even 6,000 people would be hard pressed to economically support its own "stand alone" radio station, nor could a licensee financially justify the expenses involved in operating a radio station limited to any of these small communities.

Licensees have served, and only can continue to serve, these communities through economies of scale. For example, Forever maintains a main studio in Meadville, Pennsylvania, population 13,685, which serves as the main studio for WMGW(AM)/WGY, Meadville, WXMJ(FM), Cambridge Springs, Pennsylvania, population 2,363 and WFRA(AM)/WHMJ(FM), Franklin, Pennsylvania, population 7,212, as well as WUZZ(FM), WTIV(AM) and WUUZ(FM). By "consolidating" these stations under "one roof," Forever is able to provide quality entertainment and public affairs programming, the optimum technical facilities and the best attention and service to the issues, needs and problems of each of these communities.

Every licensee recognizes that it is its responsibility to serve the public interest, convenience and necessity and to address the problems, issues and needs of its community of license, not only to satisfy the Commission's requirements but also to develop a lasting relationship with its listeners, so that listeners will continue to listen to the station and buy its sponsor's products. Commercial broadcasting is a business and without some margin of profit

the broadcaster cannot survive and the community will not be served at all. A licensee would be forced to provide less or inferior programming, little or no public affairs, operate with the minimum hours allowed by the Commission's rules, or simply go "dark."

Ironically, the proposals espoused by the Commission in this proceeding would, if implemented, ultimately result in less local service, not more. The proposals would return broadcasting to the early 1980's when there were far fewer radio and television stations, when broadcast technology was much less sophisticated, when satellite radio, the internet and digital broadcasting didn't exist and one could argue with a straight face that there was a "scarcity of spectrum" creating a basis for more community-of-license oriented regulations and requirements. But those realities no longer exist. The economic survival of the ever increasing number of radio and television stations required, first, the concept of local marketing and time brokerage agreements and, eventually, less restrictive ownership caps, both locally and nationally. While the Commission may worry, rightly or wrongly, about diversification of ownership and concentration of control, most of its "localism" proposals are either unnecessary due to advances in technology or fatal to the economics of broadcasting in the 21st century. Implementation of many of those proposals will not make radio more local; it will, however, make for fewer local radio stations.

Renewal Application Processing Guidelines

The Commission tentatively concludes that it should reintroduce procedural guidelines for the processing of renewal applications for stations based on their localism programming and performance. Forever strongly opposes this proposal. The Commission's proposed guidelines, either expressed as hours of programming per week, percentages of overall programming,

particular types of programming, etc. reimposes the restrictive "one size fits all" criteria that were correctly eliminated over 25 years ago.

Some communities have more local events, news, issues, etc., than others. Clearly, every broadcast licensee has a public interest obligation to provide programming that is responsive to the needs of its community of license. However, imposing the same requirements on stations serving smaller communities will require those stations to expend more money and more personnel on programming, whether it be political, public affairs or news, local or otherwise, and whether or not the station's local audience actually desires such programming. Mandating minimum percentages or hours per week of specific programming limits the local broadcaster's programming discretion and resources. For example, most small community radio stations donate time and personnel to broadcast innumerable public service announcements benefitting churches, fire departments, the Red Cross, disaster relief, the impoverished, military troops and their families, etc. Programs helping the needy with Christmas gifts or helping a family recover from a house fire, for example, are customary activities for local stations. In other words, stations tailor their public service broadcasting and activities to the communities they serve. Requiring stations to produce and/or broadcast specific types of public affairs programming or requiring stations to broadcast public affairs programming in any particular quantity will artificially prevent local stations from addressing the real "programming that is responsive to the needs of the community of license."

Remote Station Operation

Despite raising the issue of staffing a radio station 24 hours a day, seven days a week, the Commission has indicated that it does not seek comment on the issue here, but rather that the issue will be resolved in the Digital Audio FNPRM.²

We oppose eliminating the ability of a station to operate unattended. Forever submits that current technology safely and efficiently allows stations to operate without staff. Most of our main studios are centrally located in a market but most are not staffed 24 hours a day, seven days a week. In the absence of 24 hour staffing, we have operators on duty keeping watch on the markets that are not manned. Moreover, 95% of our stations have full-time engineers on staff and 100% of our stations have engineers on call 24 hours a day, seven days a week.

Automatic alarms signal a transmitter failure, silence in programming, tower issues, or other operational problems with the station. The automatic alarms call cell phones and pagers and each is "two deep." Many of our transmission and studio facilities are equipped with emergency power generators and several days fuel. Emergency equipment such as extra FM exciters and portable antennas, are on hand to provide emergency on-air service in case of tower collapse.

The weather is constantly monitored so preparations can be made for personnel to man the radio station in times of emergency 24 hours a day, and, if necessary, live at or nearby the studio. In times of disaster, facilities that are normally unmanned after hours become manned on

² Digital Audio Broadcasting Systems, 22 FCC Rcd 10344, 10390 (2007). Forever questions the wisdom or even the point of raising issues such as remote station operation or enhanced disclosure, which would impact and be most burdensome to small market or no-market broadcasters, in the context of the Digital Audio Broadcasting Docket in which those very small market and no-market broadcasters have little or no interest. Consequently, despite the fact that the Commission does not seek comment on this issue here, Forever will address those issues here as they are inextricably related to other issues in this proceeding.

a 24 hour basis just prior to the event and all through the emergency event. All facilities are supported with extra personnel. Special transportation is employed, such as snow mobiles or 4-wheel drive vehicles, to shuttle people where necessary to maintain the station facilities. Special radio links using RPU equipment or cell phones are used to provide emergency links of necessity.

Further, the EAS system, as designed, operates much more efficiently when no human intervention is involved. The reliability of the EAS system is checked on a weekly basis as required by the Commission's Rules. The Commission's belief that "requiring that all radio stations be attended can only increase the ability of the station to provide information of a local nature to the community of license" is specious. The mere fact that someone is at the station 24 hours a day, seven days a week, doesn't in any way mean that the station is better able to provide local information to the community. The Commission's further statement that "particularly in the event of severe weather or local emergency such a requirement that all operations be attended may increase the likelihood that each broadcaster will be capable of relaying critical life saving information to the public" apparently erroneously assumes that (1) the EAS system isn't operating, or (2) that stations aren't attended during those emergencies. In reality, requiring station staffing on a 24 hour, seven days a week basis, is unnecessary. This requirement, at best, would become another economic burden, requiring some licensees to eliminate other more pertinent or necessary services to the community and, at worst, causing other licensees to cut back their broadcast day to the minimum required by the Commission's Rules.

Community Advisory Boards

Forever opposes the Commission's "tentative conclusion" that licensees should convene permanent advisory boards comprised of local officials and other community leaders to

periodically advise on local needs and issues. While the Commission represents that these proposals do not represent a reinstatement of the former formal ascertainment procedures that were eliminated in the 1980s, they come extremely close. The mere posing of questions such as how should members of the advisory board be selected or elected and should the former ascertainment guidelines be a starting point to identify various segments of the community with whom the licensee should consult, etc., (1) creates a new, permanent, semi-formal gatekeeper/oversight for the licensee and (2) establishes a new body of rules and regulations just related to the "advisory board." It is, in sum, completely unnecessary, complicated and, once again, economically burdensome. Moreover, rather than a bridge between the local public and the station, the proposed advisory boards would take on a life of their own and become more of an impediment to the real concerns of the community.

While some stations can afford listener surveys by telephone or mailings, many cannot afford to hire outside services or additional personnel and the economic burden will once again fall on small stations which are barely surviving.

Radio stations are already required to have toll free or local phone numbers for their communities of license and every radio station that has a website has an email address for the public to use. Moreover, those telephone numbers and web addresses are broadcast daily to promote communications with the station's listeners. The very foundation of radio broadcasting is communication with its listeners in order to determine what will entertain and/or inform them. The Commission's re-regulation of pseudo-ascertainment requirements isn't going to translate into more responsive or "better" radio, just more regulation and possibly fewer radio stations.

Moreover, as indicated by the testimony and comments by broadcasters in this proceeding, most stations, either through their owners, managers or other employees, interact

with their communities, either on a structured ascertainment-like basis, or as a result of these individuals being an integral part of their communities. Formal ascertainment is unnecessary *because the local radio station is the community's forum for its issues and the people who work at the stations are part of that community.*

Main Studio Rule

The Commission seeks comment on whether it should revert to its pre-1987 main studio rule “in order to encourage broadcasters to produce locally originated programming, and seeks comment on this, and on whether accessibility of the main studio increases interaction between the broadcast station and the community of service.” The pre-1987 rule required that each station maintain their main studios in their community of license. Of all of the Commission’s proposals in this proceeding, this is probably the most onerous on broadcasters and the one that would, by itself, eventually make available many AM and FM frequencies throughout the country.

As noted in Main Studio Rule,¹³ FCC Rcd 15691 (1998), the rule was relaxed in 1987³ because “the role of the main studio in the production of programming had diminished over the years, community residents often communicate with stations by telephone or mail rather than visiting the studio, and that the growth of modern highways and mass transit systems had reduced travel times.” Supra at 15693. The Commission further observed that the revised rule “would allow broadcasters to obtain certain efficiencies such as co-locating a station’s studio and its transmitter site or moving the studio to lower cost areas” Ibid. When the rule was further relaxed in 1998, the Commission noted it was because “the Telecommunications Act of 1996 had significantly relaxed the radio multiple ownership rules.” The Commission was seeking

³ Main Studio and Program Origination, 2 FCC 3215 (1987).

ways to lessen the burden on licensees, particularly those owning multiple stations, by giving them greater flexibility in locating main studios.⁴ None of these reasons have changed in the last twenty years and broadcasters have relied on these rule changes.

Presently, multiple stations are often housed in one studio facility that currently meets the Commission's requirements of § 73.1125. Economies of scale and the efficiencies of administrative staffing allow the overall business model to be profitable in spite of the fact that some of the stations housed in that studio are not, by themselves, making a profit. Requiring that a licensee build and maintain new studios in each separate community of license shatters the present business model by entailing a huge monetary burden in construction as well as staffing costs. In many situations the station's revenue would not be enough to cover the station's capital expense for many years to come. Furthermore, licensees lodging their stations in one central studio have a long term lease obligation. Forcing them to somehow breach the present lease and enter into separate new leases for each station would cause enormous legal problems and monetary penalties with respect to the old lease and new monetary obligations for the new. Stations that own or have a mortgage on their current multi-station studio site would have an equally difficult time. Radio and television studios require unique construction and resale of this very specialized studio building will often be well below market value, if it can be sold at all. Further, often stations' main studios are located in areas that have grandfathered zoning and resale for various other uses, such as retail, will not be possible.

But even if the licensee surmounts these inevitable problems, financial disaster awaits. To illustrate, assume a \$1.8 million studio facility that presently houses six radio stations.

⁴ Another reality was that the pre-1987 rule also elicited numerous costly and detailed requests for waiver of the main studio rule and hybrid waivers such as the so-called "Arizona waiver," both of which virtually disappeared upon relaxation of the rule.

Separately, these six stations will not simply cost \$300,000 in each new location. Brand new facilities will have to be constructed and made operational prior to relocation. What is now a *facility of eight studios will mushroom into 12 studios (one each for production and broadcast)* and all equipment will have to be duplicated at each facility prior to relocation. Using rough numbers, with a studio cost of \$100,000, the current investment of \$800,000 will be trashed and a new investment of \$1.2 million in new studios will be required. Add real estate costs or long term lease costs and special construction requirements and you're looking at six new facilities with a cost of at least \$500,000 each; \$3 million in new investment and essentially scrapping the \$1.8 million already spent for a total of more than \$4.5 million in the red.

But wait, there's more: instead of one satellite dish to provide the news downlink for all the stations, six satellite dishes will be installed at \$3,000 each, i.e., \$18,000. Additionally, many communities are often situated near water or in low areas making microwave paths to the transmitter site impossible. While co-located stations can use one location, it would take years to accomplish the task of finding real estate and obtaining zoning to obtain six new 200 feet or higher microwave towers.

Similarly, many employee positions now performed by one person would have to be duplicated, such as managers, receptionists, program directors, traffic directors, engineers and announcers. The costs of separating co-located radio stations and relocating the new single station grows exponentially and will force each licensee to have to pull money from other areas such as programming, news, PSAs, technical improvements, etc., to accomplish these requirements.

Further, as noted by the Commission when the rule was eased, studio access is often more difficult in a "city." Locations outside the city are more accessible by interstates and major

highways and there are rarely issues with parking, traffic or crime; the studio is just easier to visit.

Forcing licensees to relocate their stations' main studios back inside the boundaries of the communities of license will not in any way undo the present consolidation of ownership of radio nor encourage more local residents to visit their local station.⁵ Instead, this proposal will cripple the operating budgets of numerous licensees and eliminate the existence of stations for which relocation is either uneconomical or impossible, thereby decreasing the actual amount of radio, local or not.

Payola/Sponsorship/Voice Tracking

Forever agrees that the current Commission sponsorship identification requirements, payola, etc., and policies, are sufficient to ensure broadcaster compliance and that listeners understand the nature of the programming.

While the Commission's characterizes voice-tracking as "a practice by which stations import popular out-of-town personalities from bigger markets to smaller ones, customizing their programming to make it appear as if the personalities are actually local residents," the great majority of voice-tracking that occurs in radio is a common practice used locally by all stations, especially small radio stations. Forever uses voice-tracking as a local tool with local announcers in lieu of live personnel for normal programming during those times when the employee is elsewhere; in production, with their family, asleep, etc. Essentially, voice-tracking allows the announcer to record his introductions to songs, monologues, etc., to be later mixed with music and other elements so that that employee can perform other functions. Eliminating voice-

⁵ It's an old broadcasting adage that the only people who visit a station's public file are competitors.

tracking would require either a live announcer 24 hours a day, a satellite feed (even less local programming) or a broadcast without an announcer (i.e., a series of records). Other than the last option, which would make for terrible radio, eliminating voice-tracking would substantially increase a licensee's financial burden. Needless to say, the greatest burden would be on small market stations with less than five full-time employees which routinely use voice-tracking to allow their staff to multi-task. Therefore, we strongly oppose any new restrictions or regulations on the practice of voice-tracking.

National Play Lists

While the Commission does not support prohibiting the use of national music play lists or affirmatively requiring stations to give air play to local artists, it is seeking comment on whether it should require licensees to provide data regarding the airing of the music and other performances of local artists and how stations compile play lists, which the Commission would use in reviewing a station's license renewal application by evaluating overall station performance under localism.

Forever completely opposes both (1) a requirement that licensees provide the Commission with data regarding their airing of music and performances of local artists and the manner in which the stations compile their play lists, and (2) the proposal that the Commission use this material in the processing of renewal applications. Putting aside First Amendment issues, Section 326 of the Communications Act, various other Commission pronouncements, and Federal Court opinions which emphasize "the minimal extent" that the government may influence programming provided by broadcast stations, what would the Commission staff actually do with this material? How would data regarding the airing of music of any kind assist the Commission's staff in determining whether a station's license should be renewed?

Moreover, every station plays slightly or substantially different music even within the same format. In what way could this possibly be "evaluated" by the FCC staff? Moreover, how does playing local artists translate into serving the public interest, convenience or necessity, or even address the local interest, needs and problems of a community? Is the station forced to play a local artist even if the quality of the local artist is inferior? Will stations be forced to look for local artists if none are readily available? How is a "local artist" defined? What about stations with niche formats such as nostalgia, Hawaiian music, or simply news/talk that has no music, and where the issue of local artists is irrelevant? Are we moving toward mandated percentages of "local content" like our Canadian neighbors? Clearly, there is no nexus between the broadcast of performances or records of "local artists" and issues concerning the qualifications for renewal of a broadcast station license.

AM Use of FM Translators

The Commission tentatively concluded that (1) daytime-only licensees should be permitted to originate programming over fill-in FM translators during the nighttime hours when their stations are not authorized to operate; and (2) any AM station should be permitted to operate on an available FM translator to retransmit its AM programming as a fill-in service, as long as no portion of the 60 dBu contour of the FM translator exceeds the lesser of: (a) the 2 mV/m daytime contour of the AM station; or (b) the 25 mile radius of the AM transmitter site.

Forever supports this proposal because it will make the AM service more competitive and provide more opportunity for its programming to be heard. However, we only support this proposal on the condition that FM translators remain a secondary service.

Enhanced Disclosure

The Commission determined, in its localism hearings and in the filings in this proceeding, "that the public is concerned with the limited disclosure of local programming aired by broadcasters, and public access to such information." On January 24, 2008, the Commission released its Report and Order, MM Docket No. 00-168, in Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations, FCC 07-205 ("Enhanced Disclosure"), wherein the Commission (1) required that almost all material that is presently required to be in a television station's public file be made available on the station's website, if it has one, and (2) implemented a new "Standardized Television Disclosure Form" ("TV Form"), which it required television stations to complete and file electronically on the Commission's website and place in the station's public file and on its public file website on a quarterly basis as a replacement for the existing Quarterly Issues/Program Report ("Quarterly Report").

The TV Form requests detailed information regarding a station's quarterly broadcasting of all categories of non-entertainment programming, including the average number hours per week of (1) national news programming, (2) local news programs produced by the station, (3) local news programming produced by an entity other than the station, (4) local civic affairs, (5) local electoral affairs, (6) independently produced programming, (7) other local programming, (8) public service announcements, and (9) paid public service announcements. Furthermore, for each category, such as national news, the form requests the title, day and times aired, length of program, whether the program is locally produced, has been aired on this or another station, been part of a regularly scheduled news program and been broadcast for payment or any other sort of consideration to the licensee. The form also asks whether (1) the licensee undertook any efforts

to determine the programming needs of its community; (2) designed any programming to address the needs of the community as identified above; and (3) that the licensee describe the steps that it *took to determine the programming needs of its community*. The TV Form also requests information regarding the broadcast of emergency information and time brokerage.

In the instant NPRM, while referring to its previous discussion of the Enhanced Disclosure measures for television and noting that these obligations only apply to television licensees, the Commission once again refers to its Digital Audio FNPRM, supra, wherein "we have inquired as to whether radio licensees should also be subject to these requirements."

Forever strongly opposes imposing these requirements on radio stations. We believe that requiring virtually all public file material to be on a station's website is burdensome, mostly duplicative and raises unwarranted dangers for licensees. First, placing all of this material online and maintaining its accuracy and currency will merely increase the station staff's workload and/or requirement that each licensee expend additional expense in IT fees. Second, virtually all of the material required by the Commission's rules to be in the public file is already available online on the FCC's website or the station's website; licenses, applications, EEO reports, ownership reports, technical information, etc. In fact, the only substantive portion of the public file not online that would be newly required is the Quarterly Report which the Commission proposes to replace with an online form! Finally, this requirement would make every radio licensee the easy target of every person with a computer, whether an actual listener or not, whether residing in the listening area or not, creating a new sub-class of self-appointed gadflies and petitioners, ready to patrol websites, scrutinize and file complaints if a filing isn't uploaded on the appointed date.

Further, Forever also believes that the replacement of the now traditional Quarterly Report with a standardized, electronically filed disclosure form similar to the TV Form should not be imposed on radio broadcasters. Forever submits that the form is unnecessary, burdensome, confusing, misleading, and provides actually less information than the current form. Most significantly, it does not allow broadcasters to disclose to their listening public and community the radio broadcaster's most important connection to them, non-broadcast activities.

The current requirements for the Quarterly Report provide that a station may ascertain the issues, problems and needs of its community of license and service area in any feasible manner. Once those relevant problems, needs and issues are determined, the licensee develops and broadcasts programs to address those issues. The Report contains the list of issues and details regarding those programs, including the title, date, time, guests and the substance of the program. Further, licensees have added sections on public service announcements, other public affairs programming and related matters. Moreover, broadcasters have been successfully ascertaining their community and preparing and filing these reports in their public files for over 20 years without any ground swell of complaint from listeners.

The TV Form is less informative than the current reports. First, there is no list of community issues which the licensee would have to ascertain nor is there any requirement that the programming broadcast is in any way related to those issues. More significantly, the form doesn't require that the actual substance of the program broadcast be in any way disclosed. It is merely a list of programming accompanied by date and length, segregated by somewhat arbitrary and meaningless categories.

Furthermore, Forever submits the form is extremely misleading and confusing. Despite the Commission's protestations to the contrary, the mere listing of the programming categories

would lead the public to believe that broadcasters must broadcast non-entertainment programs that fall into each and every category, i.e., "local electoral affairs," "religious," etc., which few stations, except those specializing in news/talk, do. Moreover, doesn't "local electoral public affairs programming" qualify as "local civic affairs programming?" And, what if that particular program which addressed "local electoral public affairs" and constituted "local civic affairs" was also "independently produced?" Does the broadcaster have to list the same show in three different places? Moreover, how does a broadcaster determine whether it has aired programs that were aimed at "serving the needs of under-served communities?" Will the Commission provide a definition of the demographic segment of the community to whom little or no programming is directed? How does a licensee judge whether this particular demographic segment has been the recipient of little or no programming? Clearly, the numerous judgments and decisions that will have to be made as to classification of programming alone are burdensome to licensees, let alone compiling the information and completing the form. The proposed form is significantly less informative and more confusing to broadcasters and the public alike than the Quarterly Report.

However, the proposed form ignores what is possibly the most important part of the relationship between local radio broadcasters and their communities; so called non-broadcast activities. Radio listeners receive "public affairs programming" from a variety of sources, including local commercial television, public television and radio, hundreds of video channels broadcast or delivered by satellite and cable, not to mention the all-pervasive Internet. What none of these media deliver, not even most local TV, is the close community-oriented bond that radio stations have with their listeners. Each of our radio stations has strong ties to their respective community and, throughout the year, raise money for charity and disaster relief,

participate in voter registration drives, schedule appearances by our popular on-air personalities at hospitals, schools and churches and provide support to many other charitable and community events. No other medium of mass communication participates as much in the life of its community of license and listening area as radio. Yet, evidence of this very real rapport is completely absent from the form which, as proposed, is merely another burdensome checklist of titles and times. In sum, the Commission's proposal enhances nothing and discloses even less.

Conclusion

The radio station lives in every house, boat, car, truck, RV, tent, backyard, playground, office, church, school, municipal building and emergency shelter. The coverage of a radio station is its community. Communities are butted against each other sharing services, ideas, culture, jobs, recreation, and public systems. The "local" radio station covers them all, not merely the one to which it is licensed. The "community" radio station serves and affects every person that lives in all these communities. Section 307(b) of the Communications Act, as amended, aside, singling out a station's city of license and serving just that small area is an archaic and artificial concept and tantamount to not serving the station's listeners at all. As a result, the Commission's attempt to "localize" each station completely misses the mark and will do more harm than good.

Respectfully submitted,

FOREVER BROADCASTING, LLC

By 

Allan G. Moskowitz
Its Attorney

KAYE SCHOLER LLP
901 15th Street, N.W.
Washington, D. C. 20005

April 28, 2008

BROADCAST INTERESTS*as of 04/14/08***Forever of PA, LLC**

Call Sign	Location	Facility Identifier
WFBG (AM)	Altoona, PA	38269
WFGY (FM)	Altoona, PA	38265
WRKY-FM	Hollidaysburg, PA	72316

Forever Broadcasting, LLC

Call Sign	Location	Facility Identifier
WGYV (FM)	Meadville, PA	24940
WUZZ (FM)	Saegertown, PA	12918
WXMJ (FM)	Cambridge Springs, PA	76254
WMGW (AM)	Meadville, PA	24942
WTIV (AM)	Titusville, PA	74089
WGYI (FM)	Oil City, PA	21421
WUUZ (FM)	Cooperstown, PA	88380
WHMJ (FM)	Franklin, PA	49789
WOYL (AM)	Oil City, PA	21420
WFRA (AM)	Franklin, PA	49777
WJST (AM)	New Castle, PA	24997
WKST (AM)	New Castle, PA	71246
WWGY (FM)	Grove City, PA	74469
WQWK (FM)	State College, PA	48926
WMAJ (AM)	State College, PA	48923
WSGY (FM)	Pleasant Gap, PA	30445
WRSC (AM)	State College, PA	64849
WBUS (FM)	Boalsburg, PA	6025
WALY (FM)	Bellwood, PA	58312
WWOT (FM)	Altoona, PA	47090
WVAM (AM)	Altoona, PA	47089
WKYE (FM)	Johnstown, PA	15328
WFGI-FM	Johnstown, PA	72965
WNTW (AM)	Somerset, PA	56364
WJHT (FM)	Johnstown, PA	64848
WRKW (FM)	Ebensburg, PA	64845
W228AO (FX)	Johnstown, PA	64846

Megahertz Licenses, LLC

Call Sign	Location	Facility Identifier
WFZY (FM)	Mount Union, PA	28132
WHUN (AM)	Huntingdon, PA	28131
WMAJ-FM	Centre Hall, PA	3956

Forever Communications, Inc.		
Call Sign	Location	Facility Identifier
WBGN (AM)	Bowling Green, KY	27243
WBVR-FM	Auburn, KY	71244
WLYE-FM	Glasgow, KY	57897
WUHU (FM)	Smiths Grove, KY	27242
WFGE (FM)	Murray, KY	73269
WNBS (AM)	Murray, KY	29695
WOFC (AM)	Murray, KY	73270

Forever South Licenses, LLC		
Call Sign	Location	Facility Identifier
WOGY (FM)	Jackson, TN	14743
WTJS (AM)	Jackson, TN	14742
WYNU (FM)	Mylan, TN	50125
WLLI-FM	Dyer, TN	20390
WLLI (AM)	Humbolt, TN	6582
WTJW (FM)	Humbolt, TN	6583
W231BU (FX)	East Union, TN	140692
WKYW (AM)	Frankfort, KY	74609
WSTV-FM	Frankfort, KY	1037
WFKY (FM)	Frankfort, KY	54567

Keymarket Licenses, LLC		
Call Sign	Location	Facility Identifier
WASP (AM)	Brownsville, PA	65708
WOGG (FM)	Oliver, PA	65709
WFGI (AM)	Charleroi, PA	21215
WOGI (FM)	Duquesne, PA	21214
WPKL (FM)	Uniontown, PA	33828
WYJK (AM)	Connellsville, PA	39859
WKPL (FM)	Ellwood City, PA	24999
WOHI (AM)	East Liverpool, OH	13710
WOGF (FM)	Moon Township, PA	13711
WSTV (AM)	Steubenville, OH	65407
WOGH (FM)	Burgettstown, PA	65408
WOMP (AM)	Bellaire, OH	3038
WYJK-FM	Bellaire, OH	3039
WUKL (FM)	Bethlehem, WV	4996